THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8541 of 2007

21.8.2007

Between:

Allwyn Housing Colony Welfare Association, Kukatpally, Hyderabad
Represented by its President K.Bala Brahmam

… Petitioner

AND

The Government of Andhra Pradesh, represented by its
Principal Secretary (Revenue), Secretariat Buildings, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8541 of 2007

ORDER:

Allwyn Housing Colony Welfare Association (petitioner association, for brevity) represented by its President, filed the instant writ petition challenging the action of the Government in alienating the land admeasuring Acs.3.18 gts/B-Bit in survey No.336 situated at Kukatpally of Balanagar Mandal in Ranga Reddy District (hereafter called, the subject land) to the fifth respondent Hyderabad Allwyn Employees Housing Committee (fifth respondent committee, for brevity) as illegal and arbitrary. Petitioner also seeks consequential direction to respondents 1 to 3 to resume the land from the fifth respondent.

The brief fact of the matter to the extent necessary for disposal of the writ petition is as follows. Hyderabad Allwyn Company Limited (Hyderabad Allwyn, for brevity) is a Public Sector Undertaking. In 1984, the Government decided to allot land admeasuring Acs.79.29 gts in survey No.336 of Kukatpally for construction of houses to the workers. The alienation was subject to condition of payment of Rs.35,000/- per acre. To that effect, Government issued orders in G.O.Ms.No.181, dated 09.2.1984. After the amount was paid, Government issued orders in G.O.Ms.No.484, dated 14.5.1985, permitting Hyderabad Allwyn to register plots in the name of individual employees and handover possession under the cover of panchanama.

Management of Hyderabad Allwyn constituted fifth respondent committee to take up and coordinate the work of developing the land and for identifying the workers eligible for allotment of house sites. Fifth respondent committee was treated as a wing of Indian National Trade Union Congress (INTUC). The land whichever was handed over to fifth respondent committee was developed and 1000 plots were

allotted in first phase and 733 plots were allotted in second phase. Then it was found that an extent of Acs.4.13 was found to be deficient. That is to day the total land handed over to fifth respondent fallen short by that extent. Therefore, the matter was taken up with the second respondent, who directed third respondent to handover shortfall land to fifth respondent committee. Second respondent issued orders on 27.4.2005 to handover an extent of Acs.3.18 gts under cover of panchanama and accordingly the same was handed over to fifth respondent committee on 04.6.2005 (which is also challenged in the writ petition). It is the case of fifth respondent committee that this land was also declared and provisionally allotted to members, who had already paid the cost of plots and to whom plots could not be allotted due to shortfall of the land.

At the stage of admission itself, fourth and fifth respondents filed separate counter affidavits denying the allegations made by petitioner association. Petitioner has not chosen to deny the same by filing reply affidavit.

Learned Counsel for petitioner submits that fifth respondent committee was registered as a society on 28.6.2006 whereas the land was handed over to them on 04.6.2005, even before it was registered. He would therefore urge that this is contrary to Rule 3(b) of Andhra Pradesh (Telangana Area) Alienation of State Lands and Land Revenue Rules 1975 (the Rules, for brevity). Secondly he submits that fifth respondent committee is an association of private persons and therefore under the Rules, alienation of Government land is illegal because as on today Hyderabad Allwyn does not exist. Lastly he submits that fifth respondent committee is self-constituted committee supervising the allotment of lands and the said committee do not have any power. **Opposing** the writ petition learned Assistant Government Pleader for Revenue (General-T) and learned Counsel for fifth respondent questioned *locus standi* of petitioner association to file writ petition. Secondly, they would urge that the land which was handed over to fifth respondent committee on 04.6.2005 was developed and was allotted to the members who could not be allotted earlier. The writ petition is suffered from delay and laches. The land was alienated to Hyderabad Allwyn, fifth respondent committee was constituted by the Management of Hyderabad Allwyn for the purpose of developing the land and for allotting the same to workers under cover of panchanama. Therefore, there was no alienation in favour of fifth respondent.

It is nobody's case that the Government has now alienated Acs.3.18 gts in survey No.336 to fifth respondent. The brief narration of factual matrix as above would show that the land was alienated on

market value of Rs.35,000/- per acre to Hyderabad Allwyn by orders in G.O.Ms. No.181, dated 09.2.1984, subject to payment Government also permitted Hyderabad Allwyn to register the plots in favour of the members. In turn fifth respondent committee was constituted for development and allotment of plots to the workers. When shortfall was noticed necessary proposals were sent and they were accepted by second respondent. Pursuant to whose orders dated 04.6.2005, the land admeasuring Acs.3.18 gts was handed over. Therefore Rule 3(b)[1] of the Rules is not attracted. A bare perusal of Rule 3(b) of the Rules would show that unless a company, association, society or institution has been registered under the Indian Companies Act VII of 1913, Government cannot consider their application for the land. As alienation of land is intended for individual workers – not in favour of company, association, society or institution – Rule 3(b) is not attracted. Secondly petitioner association, which is formed with some of the former workers/employees of Hyderabad Allwyn and who were also allotted plots, has no *locus standi* to challenge the action of respondents 1 to 4 in handing over balance area to fifth respondent committee. Thirdly though a categorical averment is made that the land, which was handed over to fifth respondent on 04.6.2005, was developed and allotted to other members, no steps were taken to implead such allottees. Therefore there cannot be any order to resume the land from them.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

August 21, 2007.
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[1] **3. General Principles**:- (b) No application for alienation of land under these Rules to a company, association, society, institution or any other corporate body should be considered unless such company, association, society, institution or other corporate body has been registered under the Indian Companies Act VII of 1913.